

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OBA LEE FRELIMO,
Petitioner,

v.

JEFF LYNCH, Acting Warden,¹
Respondent.

Case No. [21-cv-00282-YGR](#) (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner, has filed a *pro se* petition for a writ of habeas corpus challenging the most recent decision at his Board of Parole Hearing “Youth Offender hearing on Dec. 15, 2020” where he was “illegally denied release from prison.” Dkt. 1 at 5-6. He has not filed an *in forma pauperis* application.

A petition for a writ of habeas corpus filed by a state prisoner in a State that contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). But if a habeas petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credit claims, the district of confinement is the preferable forum. *See* Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

Petitioner is incarcerated at California State Prison - Sacramento in Represa, California,


¹ Jeff Lynch, the current acting warden of the prison where Petitioner is incarcerated, has been substituted as Respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

1 which lies within the venue of the Eastern District of California. *See* 28 U.S.C. § 84. Because
2 Petitioner challenges the execution of his sentence, the Court hereby ORDERS that pursuant to 28
3 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this petition be
4 TRANSFERRED to the United States District Court for the Eastern District of California.

5 If Petitioner wishes to further pursue this action, he must complete the *in forma pauperis*
6 application required by the United States District Court for the Eastern District of California and
7 mail it to that district.

8 IT IS SO ORDERED.

9 Dated: January 29, 2021

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12 JUDGE YVONNE GONZALEZ ROGERS
13 United States District Judge
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United States District Court
Northern District of California